du Treil, Lundin & Rackley, Inc.
A Subsidiary of A. D. Ring, P.C.

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June 28, 1994

By Federal Express

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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Re: MM Docket No. 93-114

Gentleman:

Enclosed is an original and eleven copies of a Petition for Reconsideration to the June 2, 1994, Report and Order to MM Docket 93-114, *In the Matter of Review of the Commission's Rules Governing the Low Power Television Service.* I have included an extra copy of this letter which should be date-stamped and returned in the enclosed self-addressed envelope.

Kindly contact the undersigned should there be a question regarding this document.

Sincerely,

W. Jeffrey Reynolds

W. Jeffrey Reynolds

WJR\tb
dLR:2248

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Review of the Commission's Rules Governing the Low Power Television Service	)	MM Docket No. 93-114
	)	
	)	

To: The Commission

PETITION FOR PARTIAL RECONSIDERATION

The firm of du Treil, Lundin & Rackley, Inc. (dLR) respectfully submits this Petition for Partial Reconsideration in the above captioned proceeding relating to the low power television (LPTV) service. dLR and its parent company A.D. Ring, P.C., have provided consulting engineering services to the communications industry for more than 50 years.

The Federal Communications Commission (FCC) released the First Report & Order in the MM Docket 93-114 LPTV proceeding on June 2, 1994. dLR takes issue with one of the FCC's decisions concerning the specification of a carrier frequency "offset"[1]

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[1] Offset operation is permitted by Sections 74.705 and 74.707 of the LPTV rules as a means for limiting interference. The possible offsets are the same as those for full service TV stations: zero (0), at the standard carrier frequency for the channel; plus (+), with carrier frequency 10 kHz above the zero offset carrier; and minus (-), with carrier frequency 10 kHz below the zero offset carrier. The frequency tolerance of a LPTV station operating with a specified offset will be ±1 kHz, the same as the full service TV station frequency tolerance. The frequency tolerance for LPTV stations operating without a specified offset is ±0.02% of the assigned carrier frequency for transmitters rated at no more than 100 Watts, and ±0.002% of the assigned carrier frequency for transmitters rated at more than 100 Watts.

in the proceeding which will be addressed below. Furthermore, dLR was disappointed the FCC did not reach a decision on the "major change" definition issue, and encourages the FCC to address the matter promptly.

dLR's comments in the Notice of Proposed Rule Making (NPRM) suggested the ability to propose the addition of offset, or change in the present offset, of an existing or proposed co-channel LPTV station. The FCC dismissed dLR's suggestion as being not addressed in the NPRM and beyond the scope of the proceeding.[2] dLR disagrees with the FCC's conclusion and respectfully requests reconsideration of that action.

In the NPRM, the FCC sought comments and alternative approaches regarding application acceptance standards.[3] It was with regard to this FCC solicitation that dLR made its proposal concerning the specification of offset designations. dLR believes that by permitting the specification of a new offset, or changed offset, to an existing or proposed LPTV station, at no cost to that station, is an alternative approach to a flexible application acceptance criteria and fosters spectrum efficiency of a limited public resource. It is also a simple method for potentially resolving co-channel interference issues. dLR is not aware of an opposing reply comment from another party in this proceeding.

In performing co-channel interference calculations for a new LPTV service or seeking a replacement for a "bumped" LPTV

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[2] See Footnote 41 of the First Report and Order in MM Docket No. 93-114.

[3] See paragraph 14 of the NPRM.

service, consideration must be given to the offset of the protected station. In order to control co-channel interference and maximize spectrum usage, the FCC allots full service TV assignments with an offset designation. All full service TV stations have an offset designation. However, not all LPTV stations have a designated offset. When an LPTV station has no offset then the FCC's more restrictive interference standards must be employed, namely a desired-to-undesired (D/U) interference ratio of 45 dB. This same ratio is employed if the stations under study have the same offset. This ratio not only applies to interference caused, but also impacts interference received (i.e., the proposed service area).

If, however, the stations employ different offsets, then a more relaxed D/U interference ratio of 28 dB can be used. Not only is interference protection still provided to the other station, but a reduction in interference received can be achieved. Furthermore, a new offset for a station which had no previous offset can: (1) foster a reduction in interference to other existing LPTV stations which could not be offset with it before; (2) permit increases in the facilities of stations previously not offset with each other; and (3) permit new LPTV service to areas that were previously precluded due to the more restrictive D/U ratio. Hence, LPTV stations using offset fosters spectrum efficiency and increases TV service to the public.

Unfortunately, the FCC LPTV rules do not permit an LPTV applicant to propose a change in offset to another existing or proposed LPTV station, even at no cost to the LPTV station. As with analogous changes permitted in full service FM and TV

broadcasting[4], the cost of the change should be borne by the proponent. However, unlike full service FM and TV, there will be no change in channel for the other LPTV station, simply a change in carrier offset. Therefore, the public will be unaware of the change, except for potentially new or improved service. The change in offset must not result in interference to any other existing or pending LPTV operation. The entire cost of the offset change must be borne by the proponent. The desire is to have virtually no effect on the other LPTV station's operation while permitting more flexibility for the proponent, and rightly at the proponent's expense. We are only suggesting this process for LPTV stations. We are not suggesting that LPTV proponents should be able to propose offset changes to full service stations.

As pointed out in our original comments, inquiries to LPTV transmitter manufacturers indicate the conversion costs to run from $500 to $2500 depending on the transmitter. In the worst case, a new transmitter may have to be purchased if, for some reason, it can be demonstrated that the existing transmitter cannot be modified for the new offset. The proponent should certify in its filing that it acknowledges and accepts the financial responsibility of the other LPTV station's offset conversion as a condition of its CP. The proponent should also certify to meeting that condition prior to program test authorization.

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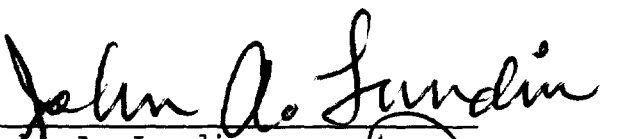
[4] FM and TV stations are permitted to change the channel of another licensed or authorized station to effectuate a modification or addition of a channel. See Section 1.87.

In the unlikely event that two or more applicants propose mutually exclusive changes in offsets to another existing or pending LPTV station, the solution is either: (1) first-come first-served if outside a filing window, or (2) set for lottery if filed on the same day or within a designated filing window.

The FCC has taken laudable steps in this proceeding to provide LPTV stations with more flexibility. It is hoped the FCC's ultimate action concerning the definition of an LPTV "major change" will continue to foster flexibility. dLR believes the suggestion for LPTV offset changes should be part of this process. Therefore, through this petition, dLR respectfully requests the FCC to reconsider its decision concerning the proposed LPTV offset changes.

Respectfully submitted,

Louis R. du Treil



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June 27, 1994